

the words "in any precinct, city or county in which he is not then entitled to vote," in article 165.

Senator Davis moved to strike out "qualified voter" and insert "legally qualified."

Withdrawn.

Senator Peacock moved to amend the amendment by striking out the word "county."

Lost.

Senator Davis offered the following substitute for Senator Terrell's amendment:

Strike out article 165 and insert, "If any person, knowing himself not to be legally qualified to, who shall vote, or offers to vote at any election held under the laws of this State, shall be punished by confinement in the penitentiary not less than two nor more than five years."

Accepted.

Senator Getzendaner offered the following substitute:

If any person, knowing himself not to be legally qualified, shall vote or offer to vote at any election for any officer then to be chosen, or shall vote or offer to vote at any election ordered in pursuance of the laws of this State, he shall be punished by confinement in the penitentiary not less than two nor more than five years.

Lost.

The amendment of Senator Terrell, as substituted by the substitute of Senator Davis, was adopted, and

The bill was ordered engrossed.

On motion of Senator Davis,

The Senate adjourned till ten o'clock to-morrow morning.

THIRTY-FOURTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, February 21, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Calhoun,

The reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Farrar:

Petition of citizens and business men of Corsicana, Texas, protesting against the passage of the Houston of Bexar) insurance bill.

Referred to Committee on Insurance, Statistics and History.

REPORTS OF STANDING COMMITTEES.

By Senator Randolph:

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 232, entitled "An act to amend title 17, chapter article 407 of the Revised Civil Statutes, relating to cemeteries when the same may be located outside of the corporate limits of the city or town," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs to whom was referred Senate bill No. 228, entitled, "An act to abolish the office of secretary of the Capitol Board," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 218, entitled "An act to amend an act entitled 'an act to establish uniform weights per bushel of wheat, corn and other products of the State,'" have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass.

The present statute upon the subject is not changed by this act, save in placing the weight of a bushel of charcoal at 20 instead of 22 pounds; and we may well quote the maxim, "De minimus non curat lex."

All of which is respectfully submitted.

RANDOLPH, Chairman.

By Senator Fowler:

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs to whom was referred the petition of officers and citizens of Bastrop and Travis counties, requesting a change in the boundary line between said counties, have carefully considered the same, and instructed me to report the same back to the Senate with the recommendation that no further action be taken thereon.

The Constitution (see subdivision 3 of section 1, article 9) provides that "no part of any existing county shall be detached from it and attached to another existing county until the proposition for such change shall have been submitted, in such manner as may be provided by law, to a vote of the electors of both counties, and shall have received a majority of those voting on the question in each county." The change desired by the petitioners is to detach from Travis county a portion of its territory and attach the same to Bastrop county, and, as no election for this purpose has been held as provided by law, the Legislature has no authority under the Constitution to make the proposed change.

All of which is respectfully submitted.

FOWLER, for Committee.

By Senator Bell:

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 126, being "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations doing business in this State, and to provide the mode of serving process on such corporations or associations," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 20, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 121, being "An act to amend section 25 of an act entitled 'an act to redistrict the State into judicial districts, and to fix the time for holding court therein, and to provide for the election of judges and district attorneys in the said districts at the next general election, to be held on first Tuesday after the first Monday in November, 1884,' approved April 9, 1883," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined

and compared Senate bill No. 197, being "An act to amend articles 165, 170 and 172, chapter 4, title 6 of the Penal Code," and find the same correctly engrossed.

BELL, Chairman.

BILLS AND RESOLUTIONS.

By Senator Kleberg:

"An act for the relief of J. W. Dickey of Wilson county."

Referred to Committee on State Affairs.

By Senator Calhoun:

"An act to authorize the several county commissioners' courts of the State of Texas to provide for more than four terms of the county court annually, for the transaction of civil and criminal business, and fix the times at which all the terms of said county courts may be held."

Referred to Judiciary Committee No. 2.

By Senator Fowler:

Joint resolution delivering the property known as the Alamo to the city of San Antonio.

Referred to Committee on State Affairs.

The President gave notice of signing Senate bill No. 230, "An act to prevent the forfeiture of the rights of purchasers of public free school, University and asylum lands."

On motion of Senator Evans,

Senator Johnson was excused for the day, on account of sickness.

On motion of Senator Jerdone,

The Calendar Clerk, Alexander Sampson, Esq., was excused till Monday, on account of important business.

On motion of Senator Fowler,

House bill No. 375, "An act to prescribe the time of holding the district courts in the twenty-first judicial district, so as to allow additional time for holding said court in Burleson county," was taken up out of its regular order, and

Read second time and passed to third reading.

On motion of Senator Fowler,

The constitutional rule was suspended and the bill put on its final passage, by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Kilgore,	Shannon,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Peacock,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Glasscock, Houston of Wheeler.

The bill was read the third time and passed by the following vote:

YEAS—25.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Peacock,	Shannon,
Farrar,	Kilgore,	Terrell,
Fowler,	Kleberg,	Traylor,
Garrison,	Knittel,	Woods.
Getzendaner,		

NAYS—none.

ABSENT, NOT VOTING.

Glasscock, Houston of Wheeler,

On motion of Senator Getzendaner, Senator Glasscock was excused for the day.

On motion of Senator Bell,

Senator Houston of Wheeler was excused for the day.

Senator Bell submitted the following privileged reports:

COMMITTEE ROOM.

AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 167, being "An act to provide for the care and preservation of the Alamo, and for the deposit of the Texas exhibit at the World's Industrial Exposition at New Orleans therein," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM.

AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate joint resolution No. 1, proposing an amendment to section 12, article 8 of the Constitution," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM.

AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 120, being "An act to confer upon county courts jurisdiction in cases of contested elections," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM.

AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 10, being "An act to amend article 4, title 2 of the Penal Code," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM.

AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 223, being "An act to provide for the publication and binding of one thousand copies of the Revised Statutes of the State of Texas, and to make an appropriation therefor," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM.

AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 203, being "An act to amend article 122 of the Penal Code," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM.

AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared committee substitute for Senate bill No. 46, being "An act for the relief of Wm. S. Booth, S. F. Grimes and the heirs of Henry Leftridge, deceased," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM.

AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 125, being "An act to amend articles 1719, 1720, 1721, 1722, 1723, 1331, 1743, 1744 and 1752, of chapter 6, title 34 of the Revised Statutes," and find the same correctly engrossed.

BELL, Chairman.

House bill No. 249, "An act to repeal 'an act to authorize counties to issue bonds for bridge purposes, and to levy a tax to pay the same; also to validate bonds heretofore issued for bridge purposes,' passed at the call session of the Eighteenth Legislature," was laid before the Senate, and

Read the second time, and

On motion of Senator Bell, was postponed till Monday.

House bill No. 278, "An act to create the Nolan land district," was laid before the Senate in its regular order, and

Read second time and passed to third reading.

On motion of Senator Shannon,

Senate bill No. 224, "An act to amend sections 4, 9 and 16 of an act entitled 'an act to incorporate the city of Calvert, in Robertson county,'" was taken up out of its regular order,

Read the second time, and,

On motion of Senator Shannon, was laid on the table subject to call.

On motion of Senator Kleberg,

Senate bill No. 126, "An act prescribing and fixing the venue of suits against foreign corporations, joint stock companies or associations, or acting corporations or associations, doing business within this State, and to provide the mode of serving process on such corporations or associations," was taken up out of its regular order,

Read third time and passed.

Senate bill No. 27, "An act to authorize the transfer of occupation licenses," was laid before the Senate in its regular order, and read second time.

Senator Peacock moved a call of the Senate.

Call sustained.

Senator Houston of Bexar was found absent without being excused.

The Sergeant-at-Arms was dispatched to bring the absent Senator into the Senate Chamber.

Senator Houston of Bexar was announced, and

The Senate was declared full, and

The bill was passed to a third reading by the following vote:

YEAS—13.

Bell,	Houston of Bexar,	Randolph,
Calhoun,	Jerdone,	Shannon,
Evans,	Kilgore,	Woods,
Fowler,	Knittel,	Mr. President.
Hall,		

NAYS—9.

Davis,	Getzendaner,	Pope,
Farrar,	Kleberg,	Stinson,
Garrison,	Peacock,	Traylor.

Senator Fowler sent up the following privileged report:

COMMITTEE ROOM,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 230, being "An act to prevent the forfeiture of the rights of purchasers of public free school, university and asylum land," and find the same correctly enrolled, and have this day, at 10:40 o'clock a. m., presented the same to the Governor for his approval.

FOWLER, Chairman.

House joint resolution No. 20, "joint resolution requesting our Senators and Representatives in Congress to aid in establishing a national trail for the outlet of Texas cattle," was laid before the Senate, and adopted.

House joint resolution No. 22, "granting leave of absence to Hon. W. E. Collard, judge of the twentieth judicial district," was laid before the Senate, and

Read with unfavorable committee report, and

On motion of Senator Houston of Bexar,

The committee report was adopted.

Senate bill No. 164, "An act to amend article 378, chapter 6, title 11 of the Penal Code," etc., was laid before the Senate in its regular order, and

On motion of Senator Terrell, was postponed till next Wednesday.

Senate bill No. 204, "An act to provide in what cases sheriffs shall not be entitled to compensation," was laid before the Senate in its regular order, and

Read second time with committee substitute.

On motion of Senator Davis,

The committee substitute was adopted.

Senator Terrell moved to strike out the word "and" and insert the word "or" in line 6, section 1.

Adopted.

Senator Peacock moved to amend as follows:

"And a witness who refuses to give bail or make affidavit of his inability to give bail shall not be entitled to fees, mileage or expenses," and to amend the caption to correspond.

Adopted, and

The bill was ordered engrossed.

On motion of Senator Traylor,

The constitutional rule was suspended, and the bill put on its third reading by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Kilgore,	Shannon,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Peacock,	Woods.
Getzendaner,		

NAYS—none.

The bill was read third time and passed.

On motion of Senator Calhoun,

Senate bill No. 182, "An act to amend articles 151 and 158, chapter 2 of title 6 of the Penal Code," was taken up out of its regular order,

Read second time and ordered engrossed.

On motion of Senator Hall,

Senate bill No. 124, "An act to amend section 2 of an act to provide for the payment of the expenses of attached witnesses in felony cases," was taken up out of its regular order and read second time.

Senator Calhoun offered the following amendment:

The witness shall in no case receive fees for any service under attachment where he is conveyed to any court by a sheriff, unless such witness shall have made affidavit of his inability to attend said court without the assistance of the sheriff or officer conveying him.

Lost.

(Senator Peacock in the chair.)

The bill was ordered engrossed.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 21, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of

Senate bill No. 136, "An act for the relief of W. J. Salyer, and to validate donation warrant No. 509, and the survey made by virtue thereof, issued by G. W. Hockley, Secretary of War, on fourteenth of August, 1838, for 640 acres of land, to John Sharp."

A. D. SADLER, Chief Clerk.

Senator Pfeuffer offered the following resolution:

Whereas, The filthy condition of the matting on the floor of the Senate, which has not been looked after for nearly twelve months, and the neglected ventilation or airing of the Chamber, causes sickness of many of the members of the Senate; be it

Resolved, That the Sergeant-at-Arms of the Senate be required to have said matting removed by Monday morning, February 23, and new matting put down in its stead, the same to be paid for out of the contingent fund of the Nineteenth Legislature; and the floor thoroughly scoured, and all the windows and doors of the Chamber opened every morning for at least three hours before the commencement of the morning session, to admit fresh air, and to see that the said room is kept in better order than heretofore.

Adopted.

On motion of Senator Bell,

Senate bill No. 146, "An act to amend article 288 of the Code of Criminal Procedure," was taken up out of its regular order the second time.

Senator Davis moved to strike out the word "and" in line 12, between "number" and "style," and insert the word "or" in lieu thereof.

Adopted, and the bill was ordered engrossed.

On motion of Senator Getzendaner,

Senate bill No. 190, "An act for the relief of Thos. J. Hunter, Thadeus W. Hunter and Robert H. Hunter, for stock, corn and hogs consumed or destroyed by the Texas army in 1836," was taken up out of regular order, and

Read second time with unfavorable committee report.

The committee report was adopted and bill lost.

On motion of Senator Getzendaner,

Senate bill No. 208, "An act for the relief of D. C. B. Dunlap," was taken up,

Read second time with unfavorable committee report, and

On motion of Senator Woods,

The committee report was adopted and bill lost.

On motion of Senator Kleberg,

Senate bill No. 46, "An act for the relief of Wm. S. Boothe, S. F. Grimes et al," was taken up out of its regular order,

Read third time and passed by the following vote:

YEAS—22.

Bell,	Hall,	Pfeuffer,
Calhoun,	Houston of Bexar,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Kilgore,	Shannon,
Farrar,	Kleberg,	Terrell,
Fowler,	Knittel,	Traylor,
Garrison,	Peacock,	Woods.
Getzendaner,		

NAYS—none.

On motion of Senator Pope,

Senate bill No. 180, "An act to amend section 4 of chapter 67 of general laws of the State of Texas, passed at the regular session of Eighteenth Legislature," was taken up out of its regular order,

Read second time and ordered engrossed.

On motion of Senator Fowler,

Senate bill No. 176, "An act for the relief of and to refund to the city of Laredo, Texas, the amount

expended by it in the maintenance of quarantine during the yellow fever epidemic of 1882, and to make an appropriation therefor," was taken up out of its regular order, and

Read second time with unfavorable committee report, and on motion

The committee report was adopted and the bill lost.

On motion of Senator Fowler:

Senate bill No. 177, "An act for the relief, etc., of the city of Brownsville, etc.," was taken up out of regular order.

Read second time with unfavorable committee report.

The committee report was adopted and the bill lost.

Senator Davis moved to reconsider the vote by which the resolution of Senator Pfeuffer, instructing the Sergeant-at-Arms to clean up and scour out the Senate Chamber, was adopted.

Lost by the following vote:

YEAS—7.

Calhoun,	Fowler,	Hall,
Davis,	Garrison,	Kilgore.
Evans,		

NAYS—14.

Bell,	Kleberg,	Shannon,
Farrar,	Knittel,	Terrell,
Getzendaner,	Peacock,	Traylor,
Houston of Bexar,	Pfeuffer,	Woods.
Jerdone,	Pope,	

ABSENT, NOT VOTING.

Randolph.

On motion of Senator Shannon,

The Senate adjourned till ten o'clock Monday morning.

THIRTY-FIFTH DAY.

SENATE CHAMBER,
AUSTIN, February 23, 1885. }

Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the House Chaplain, Dr. Smoot.

On motion of Senator Kleberg,

The reading of the journal of Saturday was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Bell:

To the Hon. Barnett Gibbs, President of the Senate of the Nineteenth Legislature of the State of Texas:

Your memorialists, members of the Sheriffs' Association of the State of Texas, having the best interests of the State at heart, and believing that there is nothing of more importance than the proper enforcement of the criminal laws, respectfully suggest to your honorable body the following changes in our laws:

1. We recommend that the laws be so changed as to provide that when the sheriff conveys an attached witness out of his county for the purpose of testifying before a grand jury of another county, that he be compensated in the same manner as where the witness testifies in a felony case.